

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MARIO MARTINEZ SHAW,

Plaintiff,

vs.

DR. BAHRAT SHAH, *et al.*,

Defendants.

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Case No. 14-cv-00685-JPG-PMF

**MEMORANDUM AND ORDER**

This matter comes before the court on the Report and Recommendation (“R & R”) (Doc. 36) of Magistrate Judge Philip M. Frazier with regard to Defendants’ Motion to Dismiss for Failure to Exhaust Administrative Remedies (Doc. 34). The Plaintiff did not file any objections to the R & R.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report and Recommendation. The Court has reviewed the entire file and finds that the R & R is not clearly erroneous. Accordingly, the Court hereby **ADOPTS** the Report in its entirety (Doc. 36) and **GRANTS** Defendants’ Motion to Dismiss for Failure to Exhaust Administrative Remedies (Doc. 34). This matter is **DISMISSED** without prejudice. The Clerk of Court is directed to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED:** 7/29/2015

*s/J. Phil Gilbert*  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**